

# Senate File 72 - Introduced

SENATE FILE 72

BY COURNOYER

## A BILL FOR

- 1 An Act relating to authorized emergency vehicles, making
- 2 penalties applicable, and including effective date and
- 3 applicability provisions.
- 4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 321.231, subsection 1, Code 2021, is  
2 amended to read as follows:

3 1. The driver of an authorized emergency vehicle, when  
4 responding to an emergency call or when in the pursuit of an  
5 actual or suspected perpetrator of a felony or misdemeanor, or  
6 in response to an incident dangerous to the public, or when  
7 responding to but not upon returning from a fire alarm, may  
8 exercise the privileges set forth in this section.

9 Sec. 2. Section 321.231, subsection 2, Code 2021, is amended  
10 by adding the following new paragraphs:

11 NEW PARAGRAPH. c. Drive the vehicle on the shoulder or  
12 median of a highway.

13 NEW PARAGRAPH. d. Disregard laws or regulations governing  
14 turning the vehicle in specified directions.

15 NEW PARAGRAPH. e. Disregard laws or regulations governing  
16 overtaking or passing other motorists.

17 Sec. 3. Section 321.231, subsections 3 and 4, Code 2021, are  
18 amended to read as follows:

19 3. The driver of a an official fire department vehicle,  
20 police vehicle, rescue vehicle, ~~or~~ ambulance, or emergency  
21 medical services vehicle, or a peace officer riding a police  
22 bicycle in the line of duty, may do any of the following:

23 a. Proceed past a red or stop signal or stop sign, but only  
24 after slowing down ~~as may be~~ to a speed deemed necessary for  
25 safe operation by the driver based on information known to the  
26 driver at the time.

27 b. Exceed the maximum speed limits so long as the driver  
28 does not recklessly endanger life or property.

29 4. a. The exemptions granted to the driver of an authorized  
30 emergency vehicle under subsection 2 and to a the driver of  
31 an official fire department vehicle, police vehicle, rescue  
32 vehicle, ~~or~~ ambulance, or emergency medical services vehicle as  
33 provided in subsection 3 shall apply only when such vehicle is  
34 making use of an audible ~~signaling~~ warning device meeting the  
35 requirements of section 321.433 or a visual signaling device,

1 ~~except that use of an audible or visual signaling device shall~~  
2 ~~not be required when exercising the~~ authorized under this  
3 chapter.

4 b. The exemption granted under subsection 3, paragraph  
5 "b", when the vehicle is operated by a peace officer shall be  
6 granted to a peace officer or reserve peace officer operating  
7 an authorized emergency vehicle without using an audible  
8 warning device or visual signaling device if such action occurs  
9 over the shortest distance necessary, does not recklessly  
10 endanger persons or property, and if the officer is pursuing  
11 a suspected violator of the speed restrictions imposed by or  
12 pursuant to this chapter for the purpose of determining the  
13 speed of travel of such suspected violator, or if the officer  
14 reasonably believes based on the facts and circumstances  
15 at the time that a suspected violator's knowledge of the  
16 officer's proximity may cause the suspected violator to destroy  
17 evidence of a suspected felony or aggravated misdemeanor, evade  
18 apprehension, or endanger the public or the officer.

19 c. The exemption granted under subsection 3, paragraph  
20 "b", shall be granted to the driver of an authorized emergency  
21 vehicle transporting a patient to a hospital without using  
22 a visual signaling device or audible warning device if a  
23 certified emergency medical care provider reasonably believes  
24 the patient's condition warrants rapid transport.

25 Sec. 4. Section 321.231, Code 2021, is amended by adding the  
26 following new subsection:

27 NEW SUBSECTION. 3A. A peace officer operating an authorized  
28 emergency vehicle may execute a pursuit intervention technique  
29 if such execution is reasonable under the circumstances based  
30 on the information perceived by the officer at the time, and  
31 the officer has completed a training course approved by the  
32 Iowa law enforcement academy that instructs participants in  
33 the proper execution of pursuit intervention techniques. For  
34 purposes of this subsection, "*pursuit intervention technique*"  
35 means a method by which a peace officer operating a motor

1 vehicle in pursuit of a fleeing motor vehicle causes or  
 2 attempts to cause the fleeing motor vehicle to stop, including  
 3 by use of reasonable force. This subsection shall not be  
 4 construed to limit a peace officer's objectively reasonable use  
 5 of force in connection with a pursuit.

6 Sec. 5. NEW SECTION. 321.231A Authorized emergency vehicles  
 7 — parades and events.

8 1. The driver of an authorized emergency vehicle may operate  
 9 the vehicle as part of an official governmental event for the  
 10 purposes of the safety and security of an elected official,  
 11 candidate for public office, or the public, or as part of a  
 12 parade or other public service event if the parade or event is  
 13 approved by the state or a municipality, as defined in section  
 14 670.1, at least one day prior to the date on which the parade or  
 15 event will occur.

16 2. Notwithstanding any provision of law to the contrary, an  
 17 authorized emergency vehicle operating in a parade or event may  
 18 display any of the vehicle's lighting devices. This subsection  
 19 shall not be construed to exempt the driver of the authorized  
 20 emergency vehicle from any duty to operate the vehicle with due  
 21 regard for the safety of all persons.

22 Sec. 6. NEW SECTION. 321.231B Authorized emergency vehicles  
 23 — immunity from liability.

24 1. The following shall not be liable for the consequence of  
 25 any injury or loss arising from the operation of an authorized  
 26 emergency vehicle in response to an emergency call or to an  
 27 incident dangerous to the public unless the driver operates the  
 28 authorized emergency vehicle with reckless disregard for the  
 29 safety of persons or property:

30 a. A fire fighter operating the authorized emergency  
 31 vehicle who is certified by the fire service training bureau,  
 32 as described in section 100B.6, as a fire apparatus driver  
 33 operator, or an operator who has completed an emergency vehicle  
 34 operations course and any applicable continuing education  
 35 requirements established or approved by the fire service

1 training bureau.

2     **b.** An emergency medical care provider, as defined in  
3 section 147A.1, operating the authorized emergency vehicle who  
4 has completed an emergency vehicle operations course and any  
5 applicable continuing education requirements established or  
6 approved by the department of public health.

7     **c.** A peace officer, as defined in section 801.4, or a  
8 reserve peace officer, as defined in section 80D.1A, operating  
9 the authorized emergency vehicle who has completed an emergency  
10 vehicle operations course and any applicable continuing  
11 education requirements established or approved by the Iowa law  
12 enforcement academy.

13     **d.** An emergency management agency employee operating the  
14 authorized emergency vehicle who has completed an emergency  
15 vehicle operations course and any applicable continuing  
16 education requirements established or approved by the local or  
17 joint emergency management commission, and where the local or  
18 joint emergency management commission has adopted a written  
19 policy related to emergency vehicle operations. For purposes  
20 of this paragraph, "*emergency management agency employee*" means  
21 a member of the personnel, including but not limited to the  
22 coordinator, an operations officer, or an emergency management  
23 assistant, of a local or joint emergency management commission.

24     **e.** Any entity, including a nonprofit corporation, on whose  
25 behalf the fire fighter, emergency medical care provider, peace  
26 officer, reserve peace officer, or emergency management agency  
27 employee is operating the authorized emergency vehicle.

28     **2.** The protections from liability set forth in subsection  
29 1 apply only when, in response to an emergency call or to an  
30 incident dangerous to the public, the driver operating the  
31 authorized emergency vehicle is utilizing a siren meeting the  
32 requirements of section 321.433 or flashing blue and red lights  
33 authorized under this chapter. The protections from liability  
34 provided by subsection 1 apply in addition to any other defense  
35 to liability provided by law. This section shall not be

1 construed to lower the standard of recklessness to recover  
2 against any entity or authorized emergency vehicle driver.

3     3. *a.* The driver of an authorized emergency vehicle,  
4 and any entity on whose behalf the driver is operating the  
5 authorized emergency vehicle, shall not be liable for any  
6 injury or loss arising from the operation of the authorized  
7 emergency vehicle unless reckless disregard for the safety  
8 of persons or property is proven by a preponderance of the  
9 evidence.

10     *b.* If a person brings a tort claim against the driver of  
11 an authorized emergency vehicle, a municipality, as defined in  
12 section 670.1, this state, or any other entity on whose behalf  
13 the driver is operating the authorized emergency vehicle, for  
14 any injury or loss arising from the operation of the authorized  
15 emergency vehicle, the court shall determine, on motion by any  
16 party or on its own motion, whether the person has presented  
17 sufficient, admissible evidence to support a prima facie  
18 finding of recklessness before the matter proceeds to trial.

19     Sec. 7. Section 321.324A, Code 2021, is amended by adding  
20 the following new subsection:

21     NEW SUBSECTION. 3A. *a.* The driver of an authorized  
22 emergency vehicle may operate the vehicle as part of a funeral  
23 procession, and a peace officer may provide traffic control  
24 relating to a funeral procession upon request or when necessary  
25 for the safety of all persons.

26     *b.* Notwithstanding any provision of law to the contrary, an  
27 authorized emergency vehicle operating in a funeral procession  
28 or for traffic control relating to a funeral procession may  
29 display any of the vehicle's lighting devices. This subsection  
30 shall not be construed to exempt the driver of the authorized  
31 emergency vehicle from any duty to operate the vehicle with due  
32 regard for the safety of all persons.

33     Sec. 8. Section 321.433, Code 2021, is amended to read as  
34 follows:

35     **321.433 Sirens, whistles, air horns, and bells prohibited.**

1     1. A vehicle shall not be equipped with and a person shall  
2 not use upon a vehicle any siren, whistle, or bell, except as  
3 otherwise permitted in this section or any other provision of  
4 law.

5     2. It is permissible but not required that any commercial  
6 vehicle be equipped with a theft alarm signal device which is  
7 so arranged that it cannot be used by the driver as an ordinary  
8 warning signal.

9     3. Any authorized emergency vehicle may be equipped with  
10 a siren, whistle, air horn, or bell capable of emitting sound  
11 audible under normal conditions from a distance of not less  
12 than five hundred feet, ~~but the~~.

13     4. An authorized emergency medical services program, fire  
14 department, or law enforcement agency may equip one or more  
15 vehicles with an air horn or a low-frequency siren.

16     5. An official fire department vehicle, emergency medical  
17 services program vehicle, or law enforcement vehicle owned  
18 by the state, a municipality, as defined in section 670.1,  
19 or a corporation providing emergency medical services to  
20 a municipality pursuant to a written contract, that was  
21 purchased, delivered, or refurbished on or after July 1,  
22 2021, excluding an all-terrain vehicle or a special service  
23 vehicle, shall be equipped with a two-hundred-watt electric  
24 or electronic siren capable of emitting at least two distinct  
25 siren tones, and one or more compatible siren speakers.

26     6. An authorized emergency vehicle's siren, whistle,  
27 air horn, or bell shall not be used except when the vehicle  
28 is operated in response to an emergency call or an incident  
29 dangerous to the public, in a parade or designated public  
30 service event, for a demonstration, for maintenance, or in  
31 the immediate pursuit of an actual or suspected violator of  
32 the law, and the driver of the vehicle shall sound the siren,  
33 whistle, air horn, or bell when the driver reasonably believes  
34 necessary to warn pedestrians and other drivers of the approach  
35 of the vehicle.

1     7. For purposes of this section:

2     a. "Electric siren" means an audible warning device that  
3     produces sound using an electric motor with an attached  
4     rotating slotted or perforated disc.

5     b. "Electronic siren" means an audible warning device  
6     that produces sound electronically using amplifiers and  
7     electromagnetic speakers.

8     c. "Low-frequency siren" means a siren that produces  
9     low-frequency sound waves and is used in addition to an  
10    electric or electronic siren.

11    Sec. 9. Section 321.451, subsection 1, Code 2021, is amended  
12 by adding the following new paragraphs:

13    NEW PARAGRAPH. g. A vehicle owned by a certified chief or  
14 certified fire officer of a volunteer fire department, a fire  
15 department comprised of a combination of volunteer and paid  
16 members, or a nonprofit corporation that delivers emergency  
17 services on behalf of a municipality, as defined in section  
18 670.1, pursuant to a written contract, if the application for a  
19 certificate of designation is requested by the certified chief  
20 or certified fire officer of the fire department. However, the  
21 department shall not approve an application received pursuant  
22 to this paragraph unless the owner of the vehicle has completed  
23 an emergency vehicle operations course approved by the fire  
24 service training bureau, as described in section 100B.6,  
25 provided proof of certification as a fire officer, and provided  
26 proof of financial liability coverage or risk pool coverage.

27    NEW PARAGRAPH. h. A vehicle owned by a chief, medical  
28 director, or certified medical provider of an authorized  
29 emergency medical service, if the application for a certificate  
30 of designation is requested by the chief, medical officer, or  
31 medical director of the authorized emergency medical service.  
32 However, the department shall not approve an application  
33 received pursuant to this paragraph unless the owner of the  
34 vehicle has completed an emergency vehicle operations course  
35 approved by the department of public health, and provided proof



1 of financial liability coverage or risk pool coverage.

2 Sec. 10. Section 321.451, Code 2021, is amended by adding  
3 the following new subsections:

4 NEW SUBSECTION. 4. A public or private entity shall not  
5 require an employee or volunteer to apply for or maintain  
6 a certificate of designation pursuant to this section as a  
7 condition of employment or of permitting the person to continue  
8 to volunteer. A person shall not be required to operate or  
9 use a vehicle designated as an authorized emergency vehicle  
10 pursuant to this section.

11 NEW SUBSECTION. 5. This section shall not be construed  
12 to exempt the state or a municipality, as defined in section  
13 670.1, from any duty to purchase, equip, maintain, or otherwise  
14 provide authorized emergency vehicles to meet any requirement  
15 to provide public services, including law enforcement, fire  
16 protection, rescue, or emergency medical services.

17 Sec. 11. EFFECTIVE DATE. This Act, being deemed of  
18 immediate importance, takes effect upon enactment.

19 Sec. 12. APPLICABILITY. The following applies to causes of  
20 action accrued on or after the effective date of this Act:

21 The section of this Act enacting section 321.231B.

22 EXPLANATION

23 The inclusion of this explanation does not constitute agreement with  
24 the explanation's substance by the members of the general assembly.

25 OPERATION IN EMERGENCY SITUATIONS. This bill allows  
26 the driver of an authorized emergency vehicle to exercise  
27 the privileges set forth in Code section 321.231 when in  
28 pursuit of a perpetrator of a misdemeanor, in addition to  
29 the circumstances allowed under current law. Under such  
30 circumstances, the bill allows the driver of an authorized  
31 emergency vehicle to drive the vehicle on the shoulder or  
32 median of a highway, to disregard laws or regulations governing  
33 turning the vehicle in specified directions, and to disregard  
34 laws or regulations governing overtaking or passing other  
35 motorists. The bill also allows the drivers of official

1 fire department vehicles, police vehicles, rescue vehicles,  
2 ambulances, emergency medical services vehicles, and peace  
3 officers riding a police bicycle to proceed past a red or stop  
4 signal or stop sign, but only after slowing down to a speed  
5 deemed necessary for safe operation by the driver based on  
6 information known to the driver at the time, and to exceed the  
7 maximum speed limits so long as the driver does not recklessly  
8 endanger life or property.

9 Under current law, authorized emergency vehicles are  
10 permitted to operate in this manner only when such vehicles are  
11 making use of an audible or visual signaling device, except a  
12 vehicle operated by a peace officer is not required to use an  
13 audible or visual signaling device if the officer is pursuing a  
14 suspected violator of a speed limit. The bill instead requires  
15 the use of an audible warning or visual signaling device, and  
16 provides that a peace officer is not required to use an audible  
17 warning or visual signaling device if the officer reasonably  
18 believes based on the facts and circumstances at the time that  
19 a suspected violator's knowledge of the officer's proximity  
20 may cause the suspected violator to destroy evidence of a  
21 suspected felony or aggravated misdemeanor, evade apprehension,  
22 or endanger the public or the officer. However, the bill  
23 permits such action only if the action occurs over the shortest  
24 distance necessary and does not recklessly endanger persons or  
25 property.

26 The bill provides that the driver of an authorized emergency  
27 vehicle transporting a patient to a hospital is not required  
28 to use an audible warning or visual signaling device while  
29 exceeding a speed limit if a certified emergency medical care  
30 provider reasonably believes the patient's condition warrants  
31 rapid transport.

32 The bill further provides that a peace officer operating an  
33 authorized emergency vehicle may execute a pursuit intervention  
34 technique, as defined in the bill, if such execution is  
35 reasonable under the circumstances based on the information

1 perceived by the officer at the time, and the officer  
2 has completed a training course approved by the Iowa law  
3 enforcement academy that instructs participants in the proper  
4 execution of pursuit intervention techniques.

5 By operation of law, a violation of these provisions of the  
6 bill is punishable by a scheduled fine of \$135.

7 PARADES AND EVENTS. The bill allows the driver of an  
8 authorized emergency vehicle to operate the vehicle as part of  
9 an official governmental event for the purposes of the safety  
10 and security of an elected official, candidate for public  
11 office, or the public, or as part of a parade or other public  
12 service event if the parade or event is approved by the state  
13 or a municipality at least one day prior to the date on which  
14 the parade or event will occur. In addition, the bill allows  
15 an authorized emergency vehicle to operate in a parade or event  
16 while displaying the vehicle's lighting devices.

17 IMMUNITY FROM LIABILITY. The bill provides that a certified  
18 fire fighter, emergency medical care provider, peace officer,  
19 reserve peace officer, or emergency management agency employee  
20 who has completed certain training, or an associated entity,  
21 shall not be liable for any consequence of injury or loss  
22 arising from the operation of an authorized emergency vehicle  
23 in response to an emergency call or to an incident dangerous  
24 to the public unless the vehicle is operated with reckless  
25 disregard for the safety of persons or property. This  
26 provision of the bill only applies when, in response to an  
27 emergency call or to an incident dangerous to the public,  
28 the authorized emergency vehicle is making use of a siren or  
29 flashing blue and red lights.

30 The bill specifies that the driver of an authorized  
31 emergency vehicle shall not be liable for any injury or loss  
32 arising from the operation of the vehicle unless reckless  
33 disregard for the safety of persons or property is proven by  
34 a preponderance of the evidence. If a person brings a tort  
35 claim against the driver of an authorized emergency vehicle, a

1 municipality, or the state for any injury or loss arising from  
2 the operation of the authorized emergency vehicle, the bill  
3 requires a court to determine, on motion by any party or on  
4 its own motion, whether the person has presented sufficient,  
5 admissible evidence to support a prima facie finding of  
6 recklessness before the matter proceeds to trial.

7 FUNERAL PROCESSIONS. The bill authorizes a driver of an  
8 authorized emergency vehicle to operate the vehicle as part of  
9 a funeral procession, and a peace officer may provide traffic  
10 control upon request or when necessary for the safety of all  
11 persons. The bill allows an authorized emergency vehicle  
12 operating in a funeral procession to display the vehicle's  
13 lighting devices.

14 SIRENS AND AIR HORNS. The bill allows an authorized  
15 emergency medical services program, fire department, or law  
16 enforcement agency to equip one or more vehicles with an  
17 air horn or low-frequency siren. The bill requires certain  
18 vehicles purchased, delivered, or refurbished on or after July  
19 1, 2021, to be equipped with a 200-watt electric or electronic  
20 siren capable of emitting at least two distinct siren tones,  
21 and one or more compatible siren speakers.

22 The bill prohibits an authorized emergency vehicle's siren,  
23 whistle, air horn, or bell from being used except when the  
24 vehicle is operated in response to an emergency call or to an  
25 incident dangerous to the public, in a parade or designated  
26 public service event, for a demonstration, for maintenance, or  
27 in the immediate pursuit of an actual or suspected violator  
28 of the law. The bill requires the driver of the vehicle to  
29 sound the siren, whistle, air horn, or bell when the driver  
30 reasonably believes necessary to warn pedestrians and other  
31 drivers of the approach of the vehicle.

32 By operation of law, a violation of this provision is  
33 punishable by a scheduled fine of \$45.

34 DESIGNATION AS AUTHORIZED EMERGENCY VEHICLE. The bill  
35 includes in the list of vehicles authorized to be designated

1 as authorized emergency vehicles those vehicles owned by a  
2 certified chief or certified fire officer of a volunteer fire  
3 department, a fire department comprised of a combination  
4 of volunteer and paid members, or a nonprofit corporation  
5 that delivers emergency services; and vehicles owned by a  
6 chief, medical director, or certified medical provider of an  
7 authorized emergency medical service. The bill requires the  
8 completion of certain training and proof of financial liability  
9 coverage or risk pool coverage to obtain the designation.

10 The bill prohibits a public or private entity from requiring  
11 an employee or volunteer to apply for or maintain a certificate  
12 of designation for an authorized emergency vehicle, and from  
13 requiring a person to operate or use an authorized emergency  
14 vehicle.

15 EFFECTIVE DATE AND APPLICABILITY. The bill takes effect  
16 upon enactment, and Code section 321.231B (limiting liability  
17 for certain authorized emergency vehicle operators), as enacted  
18 in the bill, applies to causes of action accrued on or after  
19 the effective date of the bill.